

From: **Jeremy Kite, Chair of the Standards Committee**

Ben Watts, General Counsel

Subject: **Standards Committee Annual Review**

Classification: **Unrestricted**

1. Chairman's Foreword

- a. This inaugural review covers an extended period including the 2019-20 municipal year as well as the majority of 2020-21. As well as reviewing the last complete year, the timing of this review allows the Committee to reflect upon the operation of our standards system for Members and draw to the attention of all KCC Members any themes that have emerged and matters Members may wish to bear in mind for the future as we look towards local elections and the formation of a new council.
- b. At the beginning of the period covered by this review, no one could have foreseen that we would be where we are now, with the Council being on the front-line of responding to the COVID-19 pandemic and managing the practicalities of the end of the transition period in our new relationship with the EU.
- c. To keep Members, Officers, and the public safe, Council meetings have moved online, and this transition has been made incredibly smoothly. This has involved working and interacting with the public in a different way as we all continue in our roles representing our constituents and seeking to make Kent an ever-improving place to work and live.
- d. A breakdown of the number of complaints can be seen in the main body of the report (4b below). This shows that there has been an increase, with the number received in the first nine months of the current municipal year being almost twice that received in the whole of the preceding year. This period almost exactly coincides with the first national lockdown and the wholesale move to online meetings. This is partly explained by the challenge of adjusting to a new way of working and the challenging nature of the issues facing us all. The way Members worked, and the way members of the public interacted with them were different in the two periods. It is not really possible to compare one period with another or conclude that like-for-like complaints have doubled. From the evidence available, it is not unreasonable to conclude that a number of factors may have contributed to a rise in complaints during lockdown rather than be a reflection of any change in the overall behaviour of Members or greater failure to comply with the standards framework.
- e. Even given the strange times in which we find ourselves, the number of complaints received still accounts for a tiny fraction of the total number of interactions, numbering in the tens of thousands, that Members have collectively with the public. Most of my colleagues continue to work hard, often putting in long hours without any fuss or fanfare. Where complaints are received, it is rarely

the case that the nature of the complaint is of such a nature that a formal inquiry is required and none in the period covered by this review.

- f. This does not mean that Members should be complacent. The public have a right to expect their local representatives to act professionally in the course of their duties. This includes during formal meetings online, when sitting in the comfort of our own home and without the physical presence of others can make us all forget where we are from time to time. Public life is increasingly carried out in a virtual space – not just online meetings, but the ubiquitous use of social media as well. Both can bring a permanency to a temporary lapse and make it harder to correct the impression given. There have been some complaints that came close to being a formal breach of the Kent Code of Conduct for Members. Many could have been avoided if the first thought of the Member were to act to de-escalate the situation.
- g. Complaints have been received about less than one in four Members over the period of this review, with six of the total number being a wider complaint about a larger group of Members. Of the nineteen about a particular Member, almost all were single instances of complaints. This again emphasises just how infrequent are substantive complaints.
- h. Each event which has led to a complaint resulted in an average of one and half complaints (21 events over 31 complaints). A single event can sometimes see several complaints, and this is not always clear from looking at the total number. Education appeals and planning applications are two areas of Member activity that can lead to increased complaints. It is reasonable to conclude that this is due to the nature of these processes where outcomes are unequivocal and may leave an applicant or appellant feeling aggrieved. However, there have been some other events or meetings that have attracted small clusters of complaints. The number of complaints does not mean that a breach of the Code is more likely to have occurred but does emphasise the big difference to the overall numbers that small changes in behaviour can make.
- i. Looking to the future, a positive standards regime has a role to play in encouraging people to consider standing for public office. Over time, there are great opportunities to encourage the composition of the Council to become ever more representative of the population it serves. It is in everyone's interest to see Members from under-represented groups take their place at County Hall.
- j. As we move towards a new Council this year, I would simply ask that all Members remind themselves of the requirements of the Code of Conduct and more broadly to remember that we are elected to represent the people of Kent and need to be mindful of how we behave as elected representatives.
- k. I would like to end by thanking all the Members of the Standards Committee for their work and advice both at and between formal meetings. Overseeing the conduct of our fellow Members is no easy task, but their sense of collective responsibility and professionalism means I have been proud to work alongside them.

- I. On behalf of the Committee, I would also like to thank Mr Michael George, our Independent Person. His role has been to provide independent input into the standards process and provide views on complaints. Although this is a statutory role as required by the Localism Act 2011, I would like to think that Kent would create this position if it did not exist. It is a difficult but a valuable and much appreciated role.

2. Role of the Standards Committee

- a. The Standards Committee exists to promote and maintain high standards of conduct by Members and Co-opted members of the County Council. The full Terms of Reference is set out in Sections 17.5-17.8 of the Council's Constitution.

3. Work of the Committee

- a. Across 2019-20 and 2020-21 the Standards Committee has carried out the following:
 - Reviewed and discussed the Cox report into "The bullying and Harassment of House of Commons Staff", "Local Authority Governance" by the National Audit Office.
 - Considered in detail the findings of the Committee on Standards in Public Life report into "Local Government Ethical Standards." The report contained a set of recommendations (mainly directed at central government) and a set of best practice suggestions for all authorities to consider.
 - Responding to the Local Government Authority's consultation on their draft model code of conduct. Revising the model code of conduct was one of the recommendations of the Committee on Standards in Public Life.
 - Received regular reports on the complaints made about Members.
- b. The LGA has now published its Model Councillor Code of Conduct and this is being reviewed by the Standards Committee. Although the legislative framework of the standards regime remains the same as it was when the current Kent Code was written in 2011, the experience of the last decade and the LGA's Model Code may mean that the Standards Committee will be recommending changes to the scheme in due course. The Standards Committee will ensure that all Members are involved in this discussion if any changes are proposed. It is also a Kent Code, so there are wider conversations to be had as well.
- c. It is also possible that the legislation will change. Most of the recommendations of the Committee on Standards in Public Life report were directed at central government, with several recommendations about amending the current legislation. The government has yet to respond formally to these recommendations. If the law changes, it is more than likely that the Kent Code will need to do so as well.

4. Complaints Received

- a. The appendix to this review contains all the formal complaints raised since the start of 2019/20.
- b. The number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Table: Complaints Received

| | 1 April 2019 to 31 March 2020 | 1 April 2020 to 31 Dec 2020 |
|---|--|--|
| Total no. of complaints received | 11 | 20 |
| Source of complaints | Councillors - 0 Members of the public - 10 Parish/Town Council Employee - 0 KCC Officer - 1 Anonymous - 0 | Councillors - 1 Members of the public - 16 Parish/Town Council Employee - 3 KCC Officer – 0 Anonymous - 0 |
| Complaints against, including withdrawn and rejected | Members – 11 Co-opted Members - 0 | Members – 20 Co-opted Members – 0 |
| Independent Person | The Independent Person was consulted in respect of 3 complaints. | The Independent Person was consulted in respect of 5 complaints. |
| Outcomes | Withdrawn/rejected – 1 No Further Action – 0 Local Resolution – 0 Local Investigation – 10 Standards Committee Hearing Panel - 0 | Withdrawn/rejected – 1 No Further Action – 0 Local Resolution – 0 Local Investigation – 19 Standards Committee Hearing Panel - 0 |

5. Register of Members Interests

- a. The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned

their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

- b. During 2019/20 and 2020/21 Members were reminded that there is provision for information considered to be sensitive not to be published on their register of interest form. Sensitive information is that which, if disclosed, could lead to the Member, or a person connected to the Member, being subject to violence or intimidation. If a Member considers that the information relating to any personal interest is sensitive, and the Monitoring Officer agrees, the register available for inspection will not include the details of that interest other than stating that the Member has an interest and that the details are withheld. Members were reminded that if they consider an interest to be sensitive, they should still declare the matter and request that it be treated as sensitive information. The fact that a Member considers the information to be sensitive is not a reason for failing to declare the interest.
- c. A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £100 or more. Members are reminded every 6 months of the need to declare gifts and hospitality of such a value.
- d. There is an ongoing requirement to keep the information on the register of interest form up to date. Members must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

6. Applications for Dispensation

- a. In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2019/20 and 2020/21 there were no applications for dispensations.
- b. All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

7. Training and Development

- a. On 22 October 2020, County Council formally agreed to establish the Member Development Sub-Committee under the Selection and Member Services Committee. This replaced the informal Member Development Steering Group. As a formal sub-committee, it will ensure that Member training matters, included those around standards, have a high profile and the appropriate training be put in place for all Members elected in May.
- b. Outside of the schedule of formal training, Members can contact Democratic Services or the Members Hub if they feel that some bespoke training would be beneficial.

Relevant Director:

Ben Watts, General Counsel
03000 416814

benjamin.watts@kent.gov.uk